

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

ROBERT LOVE TAYLOR,	}	
	}	
Petitioner,	}	
	}	
vs.	}	No. 05-2811-B/V
	}	
TONY PARKER,	}	
	}	
Respondent.	}	
	}	

ORDER DENYING MOTION TO PROCEED IN FORMA PAUPERIS
ORDER DENYING MOTION FOR HEARING
ORDER DENYING MOTION FOR APPEARANCE
ORDER DENYING MOTION FOR RECUSAL
AND
ORDER TRANSFERRING CASE PURSUANT TO 28 U.S.C. § 2241(d)

On October 11, 2005, petitioner Robert Love Taylor, Tennessee Department of Corrections prisoner number 273894, an inmate at the Northwest Correctional Complex ("NWCX") in Tiptonville, Tennessee, filed a petition pursuant to 28 U.S.C. § 2254, along with a motion to proceed in forma pauperis. Because the case is being transferred, the motion to proceed in forma pauperis is DENIED without prejudice. The motion to proceed in forma pauperis may be renewed before the transferee court. The Clerk shall record the respondent as Tony Parker.

Twenty-eight U.S.C. § 2241(d) provides:

Where an application for a writ of habeas corpus is made by a person in custody under the judgment and sentence of a State court of a State which contains two or more Federal judicial districts, the application may be filed

in the district court for the district wherein such person is in custody or in the district court for the district within which the State court was held which convicted and sentenced him and each of such district courts shall have concurrent jurisdiction to entertain the application. The district court for the district wherein such an application is filed in the exercise of its discretion and in furtherance of justice may transfer the application to the other district court for hearing and determination.

Although this petition may be filed in either the Eastern or Western Districts of Tennessee, it is the practice of the federal district courts in Tennessee that all § 2254 petitions are to be heard in the district in which the conviction was obtained. In this petition, Taylor is challenging a conviction and sentence that was obtained in the Sullivan County Criminal Court. Sullivan County is in the Northeastern Division of the Eastern District of Tennessee. See 28 U.S.C. § 123(a)(1). Because petitioner's conviction was entered in Sullivan County, those state records are not readily accessible to this Court.

Therefore, it is hereby ORDERED, pursuant to 28 U.S.C. § 1406(a) that this case be TRANSFERRED, forthwith, to the United States District Court for the Eastern District of Tennessee at Greenville. Love's motion for a hearing and request for appearance are DENIED without prejudice. He may renew his motions before the transferee court upon notification of his assigned judge and new docket number.

Love also filed a motion for the recusal of the undersigned judge. The only basis for recusal rests on a previous ruling

dismissing a previous civil rights case, Love v. Mills, et al., No. 04-2219-B/V (W.D. Tenn. July 19, 2004). That dismissal, even if Taylor disagrees with it, is not grounds for a motion for recusal. In any event, the case is being transferred and the undersigned judge will no longer be assigned to the case or handling further proceedings. Accordingly, the motion for recusal is DENIED as moot.

IT IS SO ORDERED this 22nd day of December, 2006.

s/ J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE